


REMARKS

Reconsideration of the application, as amended, is respectfully requested.

Claim 10 has been amended to change the emulsification step from the passive to the active voice as suggested by the Office. Claim 12 has been amended to recite affirmative process steps as supported at page 12, lines 9-17 of the specification. The amendments to claims 10 and 12 are intended to overcome the informalities noted by the Office.

Claims 5 and 9 have been amended to correct informalities wherein "preferred" ranges are given. These ranges are now separately presented in new claims 13-15.

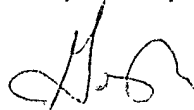
The present invention is directed to frying products for shallow frying, which do not show spattering upon use. While numerous frying products have been disclosed in the art, there is still a need for a frying product which is easily pourable, shows good spattering behavior, yields low sediment on shallow frying use and enjoys stability against serum separation on the shelf. Applicants have discovered a pourable frying composition which shows good spattering behavior, little or no burned residue formation on shallow frying and good stability against phase separation on the shelf. As defined in claim 1, the invention includes a water continuous frying composition having a Bostwick value at 15°C of at least 5, comprising more than 50-80 wt. % fat, and anti-spattering agent, at least one emulsifier having a HLB value of at least 7, and optionally a biopolymer. If present, the biopolymer is used in an amount of at most 0.3 wt. % on total composition weight.

 Rainey et al., U.S. Patent No. 6,113,970 is directed to a food composition comprising an oil phase comprising 10-80 wt. % of an edible oil, 1-5 wt. % lecithin, an emulsifier and optionally up to 5 wt. % protein. The example in Rainey includes a fat phase of 49%, salt, whey powder at 0.75%, and xanthan gum at 0.17%.

The benefits of the present invention are achieved by providing a frying composition as defined in the claims, especially an oil in water emulsion comprising more than 50, up to 80%, fat, an anti-spattering agent, an emulsifier having a HLB of at least 7 and optionally a biopolymer of at most 0.3 wt. %. Rainey, in contrast, teaches from 10-80 wt. % fat. The Office points to no example in Rainey having more than 49% in the fat phase, the level present in example 1. The undersigned has been informed that the presently recited range of greater than 50% up to 80% is important because the composition is used as a frying agent. Lower fat content would lead to severe spattering because of the high water content. The Office also fails to point to any statements in Rainey of the importance of use of low amounts of biopolymer, if any, to prevent undesired sediment formation and burning upon frying.

In view of the foregoing, it is respectfully submitted that Rainey et al. do not teach the present invention and it is respectfully requested that the application, as amended, be allowed.

Respectfully submitted,



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